

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

|                                  |   |                             |
|----------------------------------|---|-----------------------------|
| <b>MICHAEL MURPHY,</b>           | § |                             |
|                                  | § |                             |
| <b>PLAINTIFF,</b>                | § |                             |
|                                  | § |                             |
| <b>VS.</b>                       | § | <b>CASE NO.: 07-849-WKW</b> |
|                                  | § |                             |
| <b>NATHAN &amp; NATHAN P.C.,</b> | § |                             |
|                                  | § |                             |
| <b>DEFENDANT.</b>                | § |                             |

**REPORT OF PARTIES' PLANNING MEETING**

Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on November 28 and 29th, which was attended by:

James D. Patterson, Esq.  
Law Offices of Earl P. Underwood, Jr.  
For Plaintiff MICHAEL MURPHY

Ronald Davenport  
Rushton, Stakely, Johnston & Garrett, P.A.  
For Defendant NATHAN & NATHAN

The parties do not request a conference with the Court before entry of the scheduling order.

**1. Plaintiff's brief narrative statement of the facts and the cause of action stated in each count.**

The complaint against the Defendant is for its violation of the FDCPA. Specifically, the Plaintiff was harassed by phone for several months concerning a debt that he allegedly owed, thus causing several violations of the FDCPA. He was also told that criminal charges would be brought against him if the debt was not paid, also a violation of the FDCPA. These actions also constitute negligent and wantonness conduct by the Defendant in its attempts to collect on the debt.

**Defendant's brief narrative statement of the facts and defenses.**

The Defendant denies the allegation of Plaintiff's complaint and demands strict proof thereof.

2. This jury action should be ready for trial by **July 28, 2008**; and at this time is expected to take approximately two to three days to try.

3. The parties request a pretrial conference in **June 2008**.

4. The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

**Plaintiff believes that discovery will be needed on the following subjects:**

- a. All of the Defendant's procedures for complying with 15 U.S.C. § 1692.
- b. Defendant's training of its employees and agents regarding the FDCPA procedures.
- c. The facts and circumstances of the underling disputed debt.

**Defendant believes that discovery will be needed on the following subjects:**

- a. Plaintiff's allegations and all matters surrounding the debt owed by Plaintiff.

All discovery commenced in time to be completed by **March 15, 2008**.

5. Initial Disclosures. The parties will exchange by **December 17, 2007** the information required by Fed.R.Civ.P. 26(a)(1).

6. The parties request until **January 31, 2008** to join additional parties and to amend the pleadings.

7. Reports from retained experts under Rule 26(a)(2) due:

From Plaintiff by **January 31, 2008**

From Defendants by **February 15, 2008**

8. Pretrial Disclosures. Final lists of witnesses and exhibits under Rule 26(a)(3) are due by the date of the pretrial document filing.

9. Discovery Limits.

a. Maximum of **30** interrogatories by each party to any other party. Responses due 30 days after service.

b. Maximum of **5** depositions by Plaintiff and **5** for Defendant. Each deposition limited to a maximum of **8** hours for parties and **6** hours for other witnesses unless extended by agreement of parties. Not to include depositions upon written interrogatories.

c. Maximum of **30** requests for admission by each party to any other party. Responses due 30 days after service.

d. **50** requests for production of documents by each party to any other party. Responses due 30 days after service.

10. All potentially dispositive motions filed by **April 1, 2008**

11. Settlement potential is difficult to evaluate at this time due to early state of litigation.

**DATED:** November 29, 2007.

s/ James D. Patterson  
JAMES D. PATTERSON (PATTJ6485)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 29<sup>th</sup> day of November, 2007, a copy of the foregoing was served on counsel for all parties to this proceeding by placing a copy of same in the U.S. Mail, properly addressed and first-class postage prepaid to:

Ronald Davenport  
Rushton, Stakely, Johnston & Garrett, P.A.  
PO Box 270  
Montgomery AL 36101-0270

s/ James D. Patterson  
**JAMES D. PATTERSON**